



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 Appl. No. : 10/710,395

Applicant : Wang-Sheng Chen, Tseng-Kuei Tseng

Filed : July 7, 2004

TC/A.U. : Unknown

Examiner : Unknown

10 Docket No. : ADTP0113USA

Title: PHOTORESIST COATING SYSTEM

To: Commissioner for Patents

15 P.O. Box 1450
Alexandria VA 22313-1450

PETITION FOR FILING PATENT APPLICATION BY

OTHER THAN ALL THE INVENTORS UNDER 37 C.F.R. 1.47(a)

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Dear Sir/Madam:

This is a petition to file the above-identified U.S patent application (hereafter "the current application") by other than all of the inventors according to 37 C.F.R. 1.47(a). The 25 current application has two inventors, Wang-Sheng Chen (hereafter "Chen") and Tseng-Kuei Tseng (hereafter "Tseng"). Both Chen and Tseng are citizens of Taiwan, Republic of China. Tseng is the inventor who refused to join in the current application and Chen is the applicant who files the current

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application on behalf of Tseng.

A Statement of Pertinent Fact (attached as Reference 1) is attached hereto providing proof of the pertinent facts concerning the refusal of the co-inventor Tseng to join in the current application for patent. Tseng's full name and last known address is as follows:

10 Tseng-Kuei Tseng
 No. 175, Hsin-I St., Yang-Mei Town,
 Tao-Yuan Hsien, Taiwan, R.O.C.

15 Tseng was employed by AU Optronics Corporation (hereinafter "AUO"), a Taiwanese company located in Hsin-Chu, Taiwan, as a developing engineer since September 1, 2001, to develop TFT-LCD-related technologies and products. Tseng had signed an employment agreement with AUO (attached as Reference 2) which states that the right of an invention made during the employment period as a result of the development work performed

20 by the employee belongs to the employer AUO, and the employee who made the invention has a duty to assist in the application for patent covering the invention and to assign the invention, patent application, and any patent which issues thereon to AUO.

25 The belonging of the patent shall be governed by the law of Taiwan, Republic of China. According to Article 7 paragraph 1 of Patent Act, "Where an invention or a utility model or a design is made by an employee in the performance of his/her job duties, the right to apply for patent and the patent right thereof shall be vested in his/her employer, and the employer shall pay the employee a reasonable remuneration, provided

that if there is any covenant otherwise provided for in an agreement, such covenant shall prevail."

(<http://www.tipo.gov.tw/eng/laws/patlaw-e.asp>)

5 The invention disclosed in the current application was jointly developed by Chen and Tseng while working in AUO's Hsin-Chu office using AUO's facility. Chen and Tseng jointly prepared an Invention Disclosure Form (attached as Reference 3 which is an internal application form of AUO for initiating
10 a patent application process within AUO for any invention made as a result of internal development work by the employee of AUO) after the current invention was made. Tseng has resigned from AUO since October 24, 2002.

15 According to the employment agreement signed by Tseng, the current invention belongs to AUO and Tseng should jointly execute the current patent application with Chen and assign the patent application to AUO. But Tseng refused to answer AUO's request in joining the application for patent and also refused to accept delivery of the patent application papers
20 latter.

25 In view of the refusal of co-inventor Tseng to execute the papers required for filing the present patent application, Chen is believed to be entitled to make such application on behalf of and as agent for the co-inventor Tseng, according to 37 C.F.R. 1.47(a).

The required fee pursuant to § 1.17(h) is enclosed.

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Reference 1: Statement of Pertinent Fact
Reference 2: Employment Agreement

Reference 3: Invention Disclosure Form

Respectfully submitted,

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Winston Hsu

Date: July 9, 2004

Winston Hsu, Patent Agent No. 41,526

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10 U.S.A.

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(Please contact me by e-mail if you need a telephone communication and I will return your call promptly.)

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